

BOARD OF APPEALS CASE NO. 5326

*

BEFORE THE

APPLICANT: Norrisville United Methodist Church

*

ZONING HEARING EXAMINER

**REQUEST: Extension of a non-conforming
use to construct an addition greater than 50% of
the existing building; 2811 Church Lane, White
Hall**

*

OF HARFORD COUNTY

*

Hearing Advertised

*

Aegis: 2/5/03 & 2/12/03

HEARING DATE: March 19, 2003

*

Record: 2/7/03 & 2/14/03

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant, Norrisville United Methodist Church, is requesting an extension of a non-conforming use, pursuant to Section 267-21 of the Harford County Code, and a variance, pursuant to Section 267-21B, to allow an addition to an existing community building to be more than 50% of the gross square footage of the existing building.

The subject parcel is located at 2811 Church Lane, Norrisville, Maryland and is more particularly identified on Tax Map 8, Grid 1B, Parcel 75. The parcel consists of 2.89± acres, is zoned AG/ Agricultural, and is entirely within the Fourth Election District.

Mr. Donald Preston appeared on behalf of the Applicant and testified that he is the Chairman of the Board of Trustees of Norrisville United Methodist Church. Mr. Anthony McClune appeared as Acting Director, Department of Planning and Zoning. Both witnesses testified in support of the Application. The facts were not disputed and no persons appeared in opposition to the request.

The parcel is located on the south side of Church Lane, approximately 500 feet west of Norrisville Road (MD Route 23). The parcel is within the Rural Village of Norrisville and outside the Development Envelope. The land uses in the area are predominantly agricultural with no major residential areas in the immediate area. The parcel itself is long and rectangular and consists of 2.89± acres. The existing church was built in the 1940's and predates the present Zoning Code. The existing building is 2343 square feet and the proposed addition is 1,970 square feet. The existing building is 5 feet from the side property line.

Case No. 5326 – Norrisville United Methodist Church

The new addition will be no closer than 18 feet to the side property line. There is a well located behind the existing church building and the well, together with the church cemetery area, more or less dictates the location of any addition. The congregation has grown over the years and more room is needed to provide the services required by the community and the congregation. Sunday School classes, for example, will have more room after the addition is available.

Mr. McClune pointed out that the non-conformity associated with the existing structure relates to the setback only since the use is a permitted one in the District. The congregation does not want to alter the appearance of the existing church structure by placing this addition on the front of the church. Mr. McClune also pointed out that the most impacted parcel is a working farm and the intent of the Code in providing adequate setbacks and separation between properties, is met as a result of the uses on the subject and adjacent properties. The Department found the parcel unique, justifying the request.

CONCLUSION:

The Applicant, Norrisville United Methodist Church, is requesting an extension of a non-conforming use, pursuant to Section 267-21 of the Harford County Code, and a variance, pursuant to Section 267-21B, to allow an addition to an existing community building to be more than 50% of the gross square footage of the existing building.

Harford County Code Section 267-21B provides:

“Enlargement or extension of nonconforming buildings, structures or uses.

The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.”

Case No. 5326 – Norrisville United Methodist Church

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner finds the circumstances of this request unique. The existing building has been located at its present location since the 1940's. The existing church building has existed compatibly with its adjacent neighbors during all of that time despite having only a 5 foot side yard setback. Proposed is a modest addition of 1, 970 square feet which will undoubtedly provide much needed space for all of the services provided by Norrisville United Methodist Church. The addition will actually be further away from the property line than the existing building (18 feet proposed). There will be no change to a less restricted or more intensive use. The addition that is proposed will not violate the height restrictions of the AG zone (a one story addition is proposed). The existing structure and use has coexisted with the adjacent properties for over 60 years. There were no facts presented that would indicate that any adverse impacts would result from the addition.

The Hearing Examiner, in reaching a recommendation, is guided by Section 267-9I of the Harford County Code, entitled, “Limitations, Guides and Standards”.

Limitations, guides and standards. In addition to the specific standards, guidelines and criteria described in this Part 1 and other relevant considerations, the Board shall be guided by the following general considerations. Notwithstanding any of the provisions of this Part 1, the Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood. The Board may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:

Case No. 5326 – Norrisville United Methodist Church

- (1) The number of persons living or working in the immediate area.

There was no evidence to indicate the number of persons living or working in this area would be impacted by construction of the addition.

- (2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.

The proposed addition is located to the rear of an existing building and should have no associated traffic impacts.

- (3) The orderly growth of the neighborhood and community and the fiscal impact on the county.

The addition is designed to serve the needs of the community and is consistent with the concept of orderly community growth.

- (4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

No such impacts are associated with this addition.

- (5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.

The Church is served by the Harford County Sheriff's Office and the Maryland State Police. Fire protection is provided by the Norrisville, Jarrettsville and Whiteford Volunteer Fire Companies. The property has private well and septic and uses a private trash hauler.

- (6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.

This use is permitted in the Agricultural District. The only non-conformity relates to the setback.

Case No. 5326 – Norrisville United Methodist Church

- (7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.

There are no impacts to other institutional uses associated with this addition.

- (8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.

The proposal is consistent with the Harford County Master Plan.

- (9) The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.

There are no adverse environmental impacts associated with this addition.

- (10) The preservation of cultural and historic landmarks.

One structure on the parcel has been inventoried as an historical structure but the addition should have no adverse impact to that structure.

The Hearing Examiner finds the subject parcel unique. The existing structure predates the Zoning Code and, due to existing well location, location of existing buildings, parking areas, cemetery area and septic area, the proposed location is the only possible location for this addition.

For the foregoing reasons, the Hearing Examiner recommends approval of the request subject only to the Applicant obtaining any and all necessary permits and inspections.

Date APRIL 21, 2003

William F. Casey
Zoning Hearing Examiner

